P 70

Gen. H.-97—100,000—31-5-48.

Revenue (1948) Department.

SERIES.

G.O. No. 1580

Dated 5.7.48

[Despatch Abstract.]

Excise- Rectified Spirit- Export from Avadi to Lahore- Issue of Export Permit- Papers RECORDED.

BOARD OF REVENUE (EXCISE) DEPARTMENT.

Subject: Rectified spirit- Export from Avadi to Lahore (West Punjab) Issue of Export permit- Orders requested.
Read: From the Collector of Chingleput No. Nil, dated 10-9-47.

C.R. No. 29526 Abk/47-XC. 2.

Station: Triplicane, Madras.5. Dated 26-9-1947.

From

Sri V.K. Kumaran Unni, B.A.,
Assistant Secretary, Board of Revenue (Excise).

V.N. Kudva Esq., C.I.E., I.C.S.,
Member, Board of Revenue and Commissioner of Irrigation, Excise and Prohibition.

REFERENCE:

Under section 7 of the Madras Abkari Act I of 1886 Collectors are competent to issue export permits for the export of spirits from this province. The Collector of Chingleput now wants to know whether he can issue an export permit for the export of 499 bulk gallons of Rectified spirit from Avadi to Lahore which is now in the Dominion of Pakistan. A copy of the letter from Messrs. The Dollar Company, Lahore, with the connected import permit received by the Collector are enclosed for reference. The permit may be returned to the Board after reference.

According to section 3(16) of the Act, Export means to take out of the province, otherwise than across a Customs frontier as defined by the Central Government and the Central Govern. ment's definition of the Customs frontier is "the frontier whether one or more than one, whether sea or land, whether exterior or interior of British India" (Finance Department Central Revenues- Notification No. 1-X customs No. 1-X customs, dated 1-4-37). Before the division of India i.e. before 15-8-47, exports to Lahore fell under section 3(16) of the Abkari Act and hence such exports authorised by Collectors were in order. But a reading of Rule 4 of the India (Adaptation of Existing Indian Laws) Order 1947, with the definition of Customs frontier mentioned above indicates that this definition can now include only the frontiers of the provinces witnin the Dominion of India. Under this view, the term"Export" under the Abkari Act can now apply only to the movement of Exicsable articles outside this province to other provinces in the Dominion of India and the Collector of Chingleput cannot therefore permit the export of spirits to the Dominion of Pakistan.

The latest order of the Central Government necessary for the full examination of the question, are not avaialble with the Board. The Board therefore submits this matter for the orders of the Government and requests to be informed whether the Collector of Chingleput can issue the export permit for the export of 499 bulk gallons of rectified spirit from Avadi to Lahore.

Sd.
Assistant Secretary.

To the Secretary to Government, Revonue Department.

True Copy.

The Dollar Company.
Merchants and agents. The B.I. Drug House,
Lahore.

Andhra Insurance Buldgs.
337, Thambu Chetty St.
Madras.
2nd September 1947.

The Excise & Abkhari Collector,
Saidapet.

Through the Inspector of Excise, Poonamallee.

Sir,

Export of 499 gals Rectified Spirit from Avadi to Lahore.

We are witing to you on behalf of the B.I. Drug House, Lahore. They have purchased from the Army Authorities ex Avadi 499 gals Rectified Spirit and have also obtained the necessary import permit which is attached for your inspection. The goods are being despatched to the B.I. Drug House, Lahore to be stored in their Bonded Warehouse for the manufacture of tincure and we would therefore request you to have the drums railed directly from the military siding to Lahore. Although the Depot should have been closed on 29-8-47 an extension has been given and in the circumstaces we request permission for despatch of the drums without any duty at this end to be given to us as the spirit goes to Bonded ware house.

Yours faithfully.

True Copy.

X.N. Dis /47.

Submitted to the Collector of Abkarâ, Chingleput. The import permit enclose is apparently with smatteining of English line and It is not possible for me to say whther this enclossure is a bonafide import permit issued by the competent authroties at Lahoro. Further the place of import i.e. Lahore is in Pakistan Dominion and the present conditions there are in a distrubed state. The Lahore authorities may first be consulted before taking action. Recently in the case of Messrs Prince & Co the Board of Revenue (Excise) authorised the Company to clear the spirit from the Military Department at Avadi.

True Copy.

REVENUE DEPARTMENT.

Memo. No. 4706 D/47-1 Dated 16-10-47.

Excise Rectified Spirit- Export from Avadi to Lahore.

From the Board of Revenue Ref .C.R. No.29526 Akb/47-c2 of D/26-9-47.

The Board of Revenue is requested to report the procedure now adopted in the case of export under boandof rectified spirits to Indian States. The Board is also requested to state whether there has been any export of rectified spirits to outside countries like Ceylon and if so what procedure was followed in such cases. The relavant rules on the subject should also be quoted.

To the Board of Revenue (Excise)

Note: To.A.S. The above information may be called for before the points raised by the Board is further examined.

True Copy.

Board of Revenue (Excise) Department.

Sub: Rectified Spirit- Export from Avadi to Lahore (West Punjab) Issue of Export- Permit- orders- Requested.

Ref: Board's C.R. 29526 Abk/47 XC.2 dated 26-9-47.
From the Collector of Chingleput Rc. 20513/47 K3 dated 7-10-47.

C.R. 29526 Abk/47 XC. 2

Station: Triplicane, Madras.5. Dated 15-10-47.

From

Sri V.K. Kumaran Unni B.A.,
Assistant Secretary, Board of Revenue (Excise)

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V.N. Kudva Esq., C.I.E., I.C.S.,
Member, Board of Revenue & Commissioner of Land Revenue, Irrigation, Excise & Prohibition.

Reference:

The Board submits to the Government a copy of the letter dated 29-9-47 from Messrs. Dother & Co. Lahore addressed to the Collector of Chingleput. In the circumstances stated by the company the question of issue of an export permit for the export of 499 bulk gallons of Rectified spirit from Avadi to Lahore does not arise. The import permit submitted with the Board's reference cited may therefore be returned for transmission to the company. The Board however requests the orders of the Government on the general question for future guidance.

Sd.
Assistant Secretary.

To
The Secretary to Government, Revenue Department,
(with a copy of the letter)

True Copy.

Copy of letter dated 29th September 1947 from M/S Dollar and Co. Merchants and Agents, The B.I. Drug House, Lahore to the Excise and Abkari Collector, Chingleput district at Saidapet.

Export of 499 gals. rectified spirit from Avadi to Lahore.

We beg to refer to our letter dated the 2nd instant requesting for an export permit to export the above quantity of Rectified Spirit lying at Avadi to Lahore. We had also enclosed along with out letter the relative import permit issued by the Punjab Government in favour of our friends the B.I. Drug House, Lahore, In view of the present conditions we find that we may not be able to obtain booking by goods train to despatch the consignment to Lahore and as we have no bonded were house with us to store the goods, in consultation with our Lahore friends we have sold the stocks to M/S Prince & Co., Liquor Merchants, Rajh Annamalai Chettiar Road, Madras. We shall therefore thank you to return to us the import permit sent to you and allow Messrs Prince and Co. to take delivery of the goods and store in their bonded warehouse. We have endorsed the delivery order with us in their favour and please be advised accordingly

True Copy

Revenue Department.

Memo No 4706 D/ 47-2 dated 27-10-1947.

Excise - Rectified spirit- Export from Avadi to Lahore- Issue of Export Permit-
From the Board of Revenue, Reference CR No. 29526 Abk/47 Xc2 dated 15-10-1947.

The import permit for the import of 499, bulk gallons of Rectified spirit from Avadi to Lahore received with the Board's reference CR No. 29526 Abk/47 XC2 dated 26-9-47 is returned.

2. The Board's reply for Memo No. 4706 D/47-1 dated 16_10-47 is awaited.

To the Board of Revenue.

Note: Please see the Board's reference at P 6 cf. The permit may be returned. The Board has been asked to state the procedure followed by it when rectified spirit is exported to Indian states and Ceylon and also for quote the relevant rules in memo. on 4706 D/47-1 dated 16-10-47. The Board's reply may be awaited.

True Copy.

Board of Revenue (Excise) Department.

Subject: Rectified Spirit- Export to other Indian States and outside countries like Ceylon etc. - Procedure- Report- Submitted-

Read: Board's C.R. No.29526- Abk/47-XC2, dated 26-9-47 and 16-10-47
From the Govt. Rev. Deptt. Memo. No. 4706 D/47-1, dated 16-10-47.

C.R. No. 29526- Abk/47- XC2

Station, Triplicane, Madras,5. Dated 5-12-1947.

From

Md. Munzoor Husain Khan Sahib Bahadur, B.A. (Hons)
Assistant Secretary, Board of Revenue (Excise)

V.N. Kudva Esq., C.I.E. I.C.S.
Member Board of Revenue and Commissioner of
Land Revenue, Excise and Prohibition.

Reference:

With reference to the Government Memorandum cited the Board submits that rectified spirits are usually exported from Distilleries, mainly from Samalkot and Nellikuppam Distilleries under the cover of the export permits granted by the Collectors concerned. Export is said to be underbond, when the distillers would execute a bond covering the full duty on the quantity of the spirits exported. On receipt of the verification reports from the destination certifying to the receipt of the consignments the bond executed by the distillers would be usually cancelled by the Collectors who issue the export permits.

2. There had been exports of rectified spirit underbond, to Indian States and outside countries like Ceylon and Netherlands East Indies, under the bonds executed by the distillers. The Board has allowed this procedure and has held that there is no objection to allow exports so long as they are covered by export bonds executed by the distillers and so long as the duty on the spirits exported by them is covered by the export bonds.

3. The exports of rectified spirit underbond by land is being treated as though it falls under case (d) of Standing Order 99 of the Distillery Manual, Volume II. The rules governing export of rectified spriits to Overseas are contained in section 144 of the Sea Customs Act appended at page 125 of Excise Manual, Volume 1. Exports of rectified spirits underbond to Indian States and other territories are being allowed under rule 45(1) of the Distillery and Warehouse Rules.

Sd.
Assistant Secretary.

To the Secretary to Government, Revenue Department.

True Copy.

REVENUE DEPARTMENT.

Letter No. 4706 D/47-6 Dated 12-3-1948.

To The Secretary,
Ministry of Commerce,
Government of India, New Delhi.

Sir,

Excise- Rectified spirit- Export to Pakistan.

I am directed to state that a doubt has arisen whether the Collector of a district in this Province can issue a permit for the export of rectified spirit to Pakistan. Under section 7 of the Madras Abkari Act, 1886 the Collectors are competent to issue permits for the export of spirits from this Province. Export is however defined in that Act as necessary to take out of the Province otherwise than across a customs frontier as defined by the Central Government. The question as to who should allow export to another Dominion is one which has to be decided with reference to any notification issued under the sea Customs Act on the Imports and Exports (Control) Act, 1947. I am therefore to request that copies of the relevant notifications on the subject may be communicated to this Government for information and guidance.

Your obedient servant,

Sd.

Copy to the Board of Revenue

True Copy.

BOARD OF REVENUE(EXCISE) DEPARTMENT.

Sub: Rectified Spirit-Exports from this Province to Pakistan Dominion- Procedure- Orders- requested.

Read: Board's C.R. 29526 Abk/47 xC2 dated 26-9-47 and 5-12-47.
From the Government Revenue Department, Memorandum No. 4706 D/47-1 dated 16-10-47, No. 4706 D/47-4 dated 23-2-48 and letter No.4706 D/47-6 dated 12-3-48.

C.R. No. 29526 Abk/47xC2.

Station, Triplicane, Madras-5. Dated 21-5-1948.

From

Md. Munzoor Husain, Khan Sahib Bahadur B.A. (Hons)
Assistant Secretary, Board of Revenue (Excise).

V.N. Kudva Esq., C.E.I., I.C.S.,
Member Board of Revenue and Commissioner of
Land Revenue, Excise and Prohibition.

Reference:-

The Board invites the attention of the Government to the correspondance cited and sbumits that Messrs The Tata Oil Mills Company Limited, Madras are urging the Board for the Procedure to be followed in respect of exports of spiritious preparations from their bonded laboratory to certain places in Pakistan Dominion. The case is parallel to that of the exports of rectified spirits from this Province to Pakistan Dominion on which Government orders are awaited, Pending the issue of final orders, the Board requests permission to allow Messrs The Tata Oil Mills Company Limited, Madras to export spiritious preprations under bond under the export permits that would be issued by the Collector of Madras.

Sd.
Assistant Secretary.

To the Secretary to Government,
Revenue Department.

True Copy,

Revenue Department.

Memo No. 4706 D/47- Dated 1-6-1948.

Sub: Excise - Speritious preprations- Export to Pakistan
From the Board of Revenue reference C.R. No. 29526 Abk/47Xc2
Dated 21-5_1948.

The Board is informed that a reply from the Government of India to this Government's letter No. 4706D/47 dated 12-3_48 has not yet been received. The question of granting permission to Messrs. The Tata Oil Mills Company, Ltd., Madras to export spirituous preprations to Pakistan can be decided only on receipt of copies of the relevant notifications from the Government of India.

To the Board of Revenue (Excise)

True Copy.

No. 0-504CWB/48A
Government of India.
Ministry of Commerce.

New Delhi, the 31st May, 1948.

From

B.M. Mehta, Esquire, B.A.,
Assistant Secretary to the Government of India.

To

The Deputy Secretary to the Government of Madras,
Revenue Department, Fort St. George, Madras.

Subject: Excise_ Rectified Spirit- Export to Pakistan.

Sir,

With reference to your letter No. 4706-D/47-6, dated the 12th March 1948, on the above subject, I am directed to say that Pakistan has been declared a foreign territory for purposes of export and import and as such all exports to that country are controlled by the Central Government. The Collector of district in the Madras Province is, therefore, not competent to issue permits for export of rectified spirit to a foreign country in as much as section 7 of the Madras Abkari Act, 1886, will not apply in this case. A copy of this Ministry's Notification No. 91CW(15)/47 dated the 1st March 1948, is enclosed herewith for your information and guidance.

I have the honour to be,
Sir,
Your most obedient servant,

Sd. B.M. Mehta.
Assistant Secretary to the Government of India.

True Copy.

MINISTRY OF COMMERCE

NOTIFICATION.

IMPORT AND EXPORT CONTROL.

New Delhi, the 1st March 1948.

No. 91-C.W. (15)/47:- In exercise of the powers conferred by sub-section (1) of section 3 of the Imports and Exports (Control) Act, 1947 (XVIII of 1947) the Central Government is pleased to direct that as from the 1st day of March 1948 the notification of the Government of India in the Ministry of Commerce, No. 91-C.W. (15)/47 dated the 1st November 1947 shall be cancelled.

V.C. Trivedi, Dy. Secy.

True Copy

GOVERNMENT OF MADRAS.

Sub: Excise- Rectified spirit and spirituous preprations- Export to Pakistnan.

From the Board of Revenue Ref. C.R. No. 29526 Abk/47-XC2 dated 26-9-47, 15-10-47, 5-12-47 and 21-5-48.
From the Govt. of India Lr. No. O.504CWB/48 d/31-5-48.

Endt. No. 4706 D/47- Dated 23-6-1948.

A copy of the letter of the Government of India quoted above is communicated to the Board of Revenue. The Board is requested to inform the subordinate officers of the correct position as stated by the Government of India.

Board of Revenue (Excise)
with copy of pp 17-18 cf.
and p 1 of G.O. 5732 dev. 11-12-47.

True Copy.

Public (Pol)

The notes of Revenue and Development on pp 1-3 above may be perused. This department have no remarks to offer. The file may be passed on to Finance.

Finance

The notes from p 1 above may be perused and the case passed on to Legal (No remarks are called for in this Dept.)

Legal Department.

"Export" is defined in the Madras Abkari Act as meaning 'to take out of the Province otherwise than across a customs frontier as defined by the Central Government'. This is very restricted definition and amounts in effect to movement out of the Province into another Dominion is one which has to be decided with referene to any notifications issued under the Sea Customs Act or the Imports and Exports (Control) Act, 1947 (Act XVIII of 1947) Revenue may examine whether there are any such notifications under those Acts besides those referred to at (t) and (m)

Revenue Department.

To A.S.

Please see Legal note on p 3 ante. Dev. may be requested to state whether any other notifications have been issued under the Sea Customs Act on the Imports and Exports (Control) Act, 1947 affecting the export of rectified spirits to Pakistan.

To A.S. Development Department.

Please see the Revenue Dept. note above. Submitted that no other notification either under the Sea Customs Act, 1878 or under the Imports and Exports (Control) Act, 1947 affecting the export of rectified spirits to Pakistan has been received in this department. However Revenue may be requested to address the Government of India, Department of Commerce, in the matter. With these remarks the file may be returned to Revenue.

The announcement in the Press a couple of days back stated that Pakistan has been declared a foreign territory for purposes of imports and exports of the Indian union.

Revenue Department.

To A.S.

As suggested by Development the Government of India may be addressed. A draft letter is submitted.

Issued as Letter No. 4706 D/47-6 d- 12-3-1948.
From the Government of India Lr. No. O-504 CWB/48 d/31-5-48.

To. A.S.

Please see the reply of the Government of India on p 17 cf.

2. The Government of India have stated that Pakistan has been declared as foreign territory and that all exports to that country are controlled by the Central Government. A draft endorsement communicating the Government of India's letter to the Board of Revenue is submitted for approval. After issue the papers may be recorded as a G.O. for future reference.

Legal may see

Legal Dept.

Seen in Legal

NOTE FILE:

Revenue Department:

-Excise- Rectified spirit- Export from this Presidency to Pakostan- Issue of Export permit by Collector- Competency.
From the Board of Revenue, C.R. No. 29526 Abk/47-XC2, dated 26th September 1947.
Memorandum No. 4706 D/47-1, Revenue dated 16th Octr. 1947,
From the Board of Revenue. C.R. No. 29526 Abk/47-XC2, dated 15th October 1947.
Memorandum No. 4706 D/47-2, Revenue, dated 27-10-1947.
From the Board of Revenue, C.R. No. 29526 Abk/47-XC2, dated 5th December 1947.

To. A.S.

Please see the Reference from the Board of Revenue at pp 1-2 cf. the Memo to the Board at p 5 cf. and the Board's reply at pp 10-11 cf.

2. Under section 7 of the Madras Abkari Act, 1886, the Collectors are competent to issue export permits for the export of spirits from this Province. The Board of Revenue wants to be informed whether in view of the partition of India into Indian Union and Pakistan the Collectors could issue export permits for the export of rectified spirits from this Province to a Province in the dominion of Pakistan.

Export has been defined in the Abkari Act as " to take out of the Province otherwise than across a customs frontier" and customs frontier is defined as "the frontier whether one or more than one, whether sea or land, whether exerior or interior of British India."

3. The Board was asked to report the procedure that was adopted in the export under bond of rectified spirit to Indian states and outside countries like Ceylon. The Board has reported that t.ere had been exports of rectified spirit under bond to Indian States and outside countries like Ceylon and Netherland East Indies, under the bonds executed by distillers. The Board considered that so long as the exports were covered by export bonds executed by distillers and so long as the duty on the spirits exported to them was covered by the export bonds, export to outside countries may be permitted. Attention is invited in this connection to the notes of Legal at p 6 nf. of G.O. 1548 Rev. d/ 1-8-44 from which it will be observed that this Government have power to issue regulations for the taking out of British India only otherwise than through any customs port or land customs station of intoxicating liquors etc.

4. As however there is no information in this Department regarding the latest position and orders of the Government of India on the subject of exports to Pakistan, Dev. Public (Political) Finance and Legal may see for remarks.

To A.S.

Please see the Revenue Dept. note on pp 1-2 above.

(2) With reference to para 4 on pp 1-2 above, the latest notifications of the Government of India regarding exports and imports from and to Pakistan are put up at t and m . All goods imported from or exported to a port in Pakistan should be treated as goods imported from or exported to a customs port as the case may be. Under the notification at p 1 of t the Government of India have stated that no order, issued under section 3 of the Imports and Exports (Control) Act, 1947 prohibiting restricting or otherwise controlling the import into India or export out of India should be deemed to be applicable to imports from Pakistan into India or to export from India to Pakistan. As "rectified spirit" is included as an item under the Export Trade control notification issued by the Government of India, the previous orders of the Government of India regarding the export of "rectified spirit" to places like Lahore which stand now in Pakistan territory are not applicable now. With these remarks, the file may be passed on to Public (Political) .

Revenue Dept.

To. A.S.

Please see the previous notes on p 5 ante.

2 The draft endorsement below may now issue.

Issues as Endt. Nol 4706D/47 d- 23-6-48.
The papers may now be recorded as suggested on p 5 ante.

G.O. Ms. No. 1580,
Revenue D/5-7-48.
Abstract:
Excise- Rectified spirit-
Export from Avadi to Lahore-
Issue of Export permit- Papers
Recorded.

True Copy.

Office Assistant,
Madras Record Office.

MG.